

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DAMON MALON MORRIS,

Plaintiff,

v.

THOMAS C. SMITH, et al.,

Defendants.

NO. CV-12-5065-EFS

**ORDER DISMISSING COMPLAINT
WITHOUT PREJUDICE**

This matter comes before the Court on Plaintiff Damon Malon Morris's Motion to Voluntarily Dismiss Complaint pursuant to Federal Rule of Civil Procedure 41(a), ECF No. [8](#). Defendants have not been served in this action. After reviewing the pleadings filed in this matter, the Court finds good cause to grant the motion.

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion to Voluntarily Dismiss Complaint, **ECF No. [8](#)**, is **GRANTED**.

2. The Complaint, **ECF No. [6](#)**, is **DISMISSED WITHOUT PREJUDICE**. The Clerk's Office is directed to **CLOSE** this case.

3. Although granted the opportunity to do so, Plaintiff did not file a separate motion and affidavit to waive the remaining balance of

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1 the filing fee as directed. Therefore, Plaintiff still is obliged to
2 pay the filing fee for this action, pursuant to 28 U.S.C. § 1915(b).

3 **IT IS SO ORDERED.** The District Court Executive is directed to
4 enter this Order and provide a copy to Plaintiff.

5 **DATED** this 31st day of August 2012.

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8 EDWARD F. SHEA
9 Senior United States District Judge
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